

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHIRE LLC,

Plaintiff,

v.

TEVA PHARMACEUTICAL  
INDUSTRIES LTD. and TEVA  
PHARMACEUTICALS USA, INC.,

Defendant.

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: 07 Civ. 3526 (MGC)  
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: RETURN DATE:  
: Nov. 29, 2007 at 9:00 a.m.  
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**TEVA USA'S VOLUNTARY MOTION TO DISMISS WITHOUT PREJUDICE**

Under Rule 41(c) of the Federal Rules of Civil Procedure, Defendants Teva Pharmaceuticals USA, Inc. ("Teva USA"), through its undersigned attorneys, voluntarily moves to dismiss without prejudice Counterclaim II, which is a claim for Declaration of Non-Infringement of U.S. Patent No. 5,192,013 ("the '013 patent"). Teva USA bases this motion for voluntary dismissal upon the representations that Plaintiff Shire LLC ("Shire") has made to Teva USA, in which Shire covenants not to sue Teva USA on the '013 patent. *See* Attachment A, Covenant-Not-Sue, dated November 6, 2007

Dated: New York, New York  
November 6, 2007

LOEB & LOEB LLP

By: 

William J. Marming, Jr. (WM-3791)  
LOEB & LOEB LLP  
345 Park Avenue  
New York, NY 10154

*Attorneys for Defendant,  
Teva Pharmaceuticals USA, Inc.*